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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 EZEQUIEL PIÑA-CARRILLO, No. C 07-00278 MJJ
12 Petitioner, (Criminal Case: CR 04-40162 MJJ)
13 v. **ORDER TO SHOW CAUSE**
14 BOBBY COMPTON, Warden,
15 Respondent.

16 _____ /
17 Petitioner Ezequiel Piña-Carrillo (“Petitioner”) is currently serving a term of one-hundred
18 twenty months at the Lompoc United States Penitentiary. On August 8, 2005 Petitioner pled guilty
19 to one count of Conspiracy to Possess with Intent to Distribute Methamphetamine and Cocaine (21
20 U.S.C. § 846) and one count of Possession of a Counterfeit Alien Registration Card (18 U.S.C. §
21 1546(a)). Petitioner has filed a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2255.

22 Petitioner seeks *habeas corpus* relief, claiming that his sentence is unconstitutional for four
23 reasons. First, petitioner claims that he was given too long of a sentence considering his prior
24 criminal record and his claim that he never possessed methamphetamine. Second, petitioner claims
25 that a government informant induced him to sell a larger quantity of drugs which carried a greater
26 criminal penalty. Third, petitioner claims that there was no indication concerning the conspiracy
27 count that he was a “leader or worse type offender”. Finally, petitioner claims that he received
28 ineffective assistance of counsel. Under this claim he notes that he required a translator to

1 understand what it meant to waive his right to appeal. He argues that he was not informed that the
2 plea depicted him as the leader of a conspiracy, and that his attorney did not inform him that he was
3 taking responsibility for possessing any methamphetamine.

4 For the foregoing reasons and for good cause shown, the Court hereby issues the following
5 Order to Show Cause.¹ It is hereby **ORDERED** that:

6 1. The Clerk of the Court shall serve by certified mail a copy of this Order and the
7 petition and all attachments thereto upon respondent and upon respondent's attorney, the United
8 States Attorney. The Clerk shall also serve a copy of this Order on petitioner. The Clerk shall
9 promptly enter the proofs of service in the files for both Case No. C 07-00278 MJJ, and the
10 underlying criminal case Case No. CR 04-40162 MJJ.

11 2. Respondent shall file and serve within sixty (60) days of the issuance of this order, an
12 answer conforming in all respects with Rule 5 of the Rules Governing Habeas Corpus Cases Under
13 Section 2255, showing cause why a writ of *habeas corpus* should not issue.

14 3. If petitioner wishes to respond to the answer, he shall do so by filing and serving a
15 traverse within thirty (30) days of his receipt of the answer.

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IT IS SO ORDERED.

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Dated: October 5, 2007

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¹ The Court previously entered an Order to Show Cause in Case No.C 07-00278 MJJ. However, the Court is unable to confirm to its satisfaction that the earlier Order to Show Cause was served upon Respondent and Respondent's attorney in the manner previously ordered by the Court. Accordingly, the Court issues this further Order to Show Cause.



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EZEQUIEL PINA-CARRILLO,

Case Number: CV07-00278 MJJ

Plaintiff,

CERTIFICATE OF SERVICE

v.

USA et al,

Defendant.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 5, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ezequiel Pina-Carillo
United State Penitentiary-Lompoc
Prisoner Id 15373-097
3901 Klein Blvd
Lompoc, CA 93436

Dated: October 5, 2007


Richard W. Wieking, Clerk
By: R.B. Espinosa, Deputy Clerk